

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIA D'AGOSTINO,

Plaintiff,

v.

LA FITNESS INTERNATIONAL, LLC, d/b/a a/k/a LA
FITNESS, INC., LA FITNESS, LA FITNESS SPORTS
CLUBS, MICHAEL SHARP, and PRO RESULTS a/k/a
BODY OF CHANGE d/b/a LA FITNESS, a wholly
owned subsidiary of Defendant, LA FITNESS, INC.,

Defendants.
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No. 10-CV-1120 (SLT) (ALC)

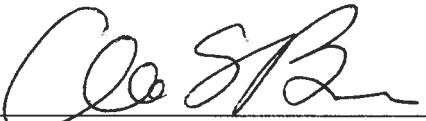
NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Andrew S. Baron, sworn to on July 29, 2011, and the exhibits thereto, the Affidavit of Dorian Gallagher, sworn to on July 28, 2011, the Memorandum of Law in Support of Defendants' Motion for Summary Judgment, and Statement of Undisputed Material Facts pursuant to Rule 56.1 of the Local Rules for the Eastern and Southern District of New York ("Rule 56.1 Statement"), Defendants LA Fitness International, LLC, LA Fitness, Inc., LA Fitness, LA Fitness Sports Clubs, Pro Results and Michael Sharp (collectively, "Defendants"), by their attorneys, Wollmuth Maher & Deutsch LLP, hereby move the Court for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure entering summary judgment dismissing the Complaint of Plaintiff Maria D'Agostino ("Plaintiff").

Pursuant to the Court's Order of July 22, 2011, (i) Plaintiff's opposing affidavits, response to Defendants' Rule 56.1 Statement, Plaintiff's Rule 56.1 Statement and answering memoranda, if any, shall be e-filed no later than August 26, 2011 and (ii) Defendants' reply affidavits, reply Rule 56.1 Statement and reply memoranda, if any, shall be e-filed no later than September 9, 2011

Dated: July 29, 2011
New York, New York

WOLLMUTH MAHER & DEUTSCH LLP

By 
William F. Dahill, Esq.
Andrew S. Baron, Esq.

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Attorneys for Defendants